

DIST/OFFICE	DOCKET YR. NUMBER	FILING DATE MO. DAY YEAR	J	N/S	O	R	H	DEMAND OTHER	JUDGE NUMBER	JURY DEM.	DOCKET YR. NUMBER
1085/4	75 0575	12 31 75	4	350	2			45	8509	P	75 575-BT

# JUDGE BRETT

### PLAINTIFFS

JOHN B. JARBOE, Trustee in  
Bankruptcy of the Estate of  
NORMA JUNE REDDING,  
Bankrupt No. 75-B-950

### DEFENDANTS

MUTUAL AUTOMOBILE  
STATE FARM/INSURANCE COMPANY,  
a corporation. *mc*

### CAUSE

Alleged tortious breach of contract for negligence and lack of good faith  
by insurance company in allowing excess judgment against insured.

W. C. Sellers, John C. Harlan ATTORNEYS  
~~Patricia Sellers~~  
Sellers & ~~Sellers~~ *Harlan*  
P. O. Box 1404  
Sapulpa, Okla. 74066

Laurence J. Yadon, II  
Thomas L. Palmer  
520 Center Bldg.  
630 W. 7th St.  
Tulsa, Okla. 74127  
585-2448

*587-0021*

*1606 1st Natl Bank Bldg*

☐ CHECK  
HERE  
IF CASE WAS  
FILED IN  
FORMA  
PAUPERIS

### FILING FEES PAID

DATE	RECEIPT NUMBER	C.D. NUMBER

### STATISTICAL CARDS

CARD	DATE MAILED
JS-5	1-1-76
JS-6	11-1-80

DATE	NR.	PROCEEDINGS
1975		
12-31	1.	Petition for Removal, filed. lm
12-31	2.	Bond on Removal, filed. lm
12-31	3.	Notice of Filing of Petition and Bond for Removal by Deft., filed. lm
1-9-76	4.	Acknowledgement of the Clerk of Dist. Ct. in & for Creek Co., Bristow Div., State of Okla. of receipt of copy of notice, petition & bond for removal, filed. hm
1-9	5.	Deft's applic. for ext. of time to ans., filed. hm
1-13	6	Order granting deft. until 1-27-76 to plead or answer, filed. (AEB-J)g
1-28	7.	Appl. for ext. of time to ans., fld. v (o)
1-29	8	Order granting deft. until 2-16-76 to answer, filed. (AEB-J)g
2-25	9.	Deft.'s appl. for 15 days to plead or answer, filed.k
2-25	10.	Order, filed, that Deft. State Farm Insurance Co., etc., is granted to 3-11-76 to ans. (AEB-J)v -cps. mld.
3-16	11.	Deft's applic. for ext. of time to ans., filed. hm <i>etc</i>
3-17	12.	Order, filed, granting deft. State Farm etc. until 3-26-76 to ans. (AEB-J)v -cps mld
3-29	13.	Appli. for ext. of time of additional 15 days from 3-26-76 to ans., filed.lm (O to J)
3-30	MO	Deft. granted 15 days from 3-26-76 to answer. (AEB-J)g mld.
4-20	14	Application for Ext. of Time, filed; of Deft. State Farm Ins. t O-J
4-22	MO	The Ct. has for consideration the Appl. for Ext. of Time to Answer, and noting that opposing counsel has no objection, IT IS ORDERED that deft. is granted 30 days from April 20, 1976 to and including May 20, 1976, to plead or answer. (AEB-J)t cps mld
6-8	15.	Appl. of Deft. for ext. of time to ans., fld. v (o)
6-10	16.	Order, filed, granting deft. til 6-19-76 to answer. (AEB-J)k cps mld
6-18	17	Deft's appl. for time til 7-19-76 to answer, filed.k O to J
6-23	18	Order, filed, granting deft. 7-19-76 to plead or answer. (AEB-J)s cps. mld.
7-19	19.	Deft's Motion to Dismiss, filed. lm
7-19	20.	Deft's Brief in Support of Motion to Dismiss, filed. lm
7-19	MO	Ordered by the Court that pltf is granted ten days from this date to file a response to deft's motion to dismiss (AEB-J)lm ltrs mld
7-29	21.	Pltf's appl. for 30 days to respond to deft's mot. to dismiss, filed.k O
7-30	22	Order, filed, granting pltf. til 8-29-76 to respond to deft's mot. to dismiss. (AEB-J)k cps mld
8-25	23	Pltf's appl. for ext. of time to respond to deft's mot to dismiss, fld.g
8-26	24.	Order, filed, granting pltf. 30 days, til 9-29-76, to respond to deft's mot. to dismiss. (AEB-J)k cps mld
9-29	25.	Pltf's brief in response to motion to dismiss, filed.s
10-4	MO	Case referred to Mag. Bradford for findings & recommendations on deft's motion to dismiss. (AEB-J)k

## CIVIL DOCKET CONTINUATION SHEET

PLAINTIFF		DEFENDANT	DOCKET NO. 75-C-575-B7
John B. Jarboe, Tr.		St. Farm Mutual Auto. Insur. Co.	PAGE ____ OF ____ PAGES
DATE 1976	NR.	PROCEEDINGS	
12-20	26	Order, filed, Overruling Deft's motion to dismiss, & FURTHER Ordered that Deft. answer pltf's complaint w/in twenty (20) days from this date. (AEB-J)b cyps mld	
<u>1977</u>			
1-13-77	27.	Appl. of Deft. State Farm Insur. Co., etc., for ext. of time to ans. compl., fld.	
1-14	28.	Order, filed, granting deft. til 1-30-77 to plead or answer. <sup>v</sup> (AEB-J)k cps mld	
1-31	29.	Deft's appl. for ext. of time to answer, filed.s 0 to J	
2-3	30.	Order, filed, granting deft. 'til 2-19-77 to answer.lm (AEB-J) cps mld	
2-18	31	Deft. answer fld. ho	
3-7	32	Pltf's mot. to strike paragraphs 1-8, 15, 16 & 19 of deft's answer, filed.k	
3-7	33	Brief in support of pltf's mot. to strike, filed.k	
3-7	MO	It is ordered by the Court that the deft. file a responsive brief w/in 10 days to pltf's mot. to strike portions of deft's answer. (AEB-J)k cps mld	
3-17	34	Deft appl for ext of time to respond to Pltf. mot to strike paragraphs 1-8, 15, 16, & 19 of deft answer. fld. 0 to J. ho	
3-18	35	Order, fld. granting Deft. until 4-6-77 to plead or ans. fld. (AEB-J) cps mld. ho	
4-6	36	Deft. memorandum brief in response to Pltf. mot. to strike. fld. ho	
5-11	MO:	Case referred to Magistrate Robert S. Rizley for Findings and Recommendations on all motions. (AEB-J) njb	
5-20	MO:	Case set for hearing Pltf's motion to strike Para. 1-8,15,16 & 19 of deft's answer on 5-31-77, at 9:30 A.M. (RSR-Mag) nts mld	
5-31	Min	Case called for hrg. on pltf's motion to strike paragraphs 1-8, 15, 16, & 19 of deft's answer. Parties represented. Pltf. granted 10 days to furnish additional citations of authority, following which Findings and Recommendations will be filed by the Magistrate. (RSR-Mag)k	
7-12	37.	Magistrate's findings & recommendations, filed. Recommends that the Court sustain pltf's mot. to strike defenses 1 - 8 of deft's answer, and overrule mot. to strike defenses 15, 16, and 19. (RSR-Mag)k cps mld	
7-22	37.	Deft's objections to findings & recommendations of the Mag., filed.k	
7-22	38.	Memorandum brief in support of deft's objs. to F&R of Mag., filed.k	
7-22	MO	It is ordered by the Court that the pltf. is granted 10 days to respond to deft's objections to F&R of the Mag. (AEB-J)k cps mld	
8-1	39	Memo. brief in response to deft's objection to f/f & recommendations of magistrate, filed. g	
8-4	40	Order, filed, overruling objections to F&R of Mag. Ordered that pltf's mot. to strike deft's first defense through eighth is sustained and mot. to strike deft's 15th, 16th & 19th defenses is overruled. (AEB-J)k cps mld	
9-14	MO	Parties are directed to hold a pre-trial conf. on or before 10-27-77 & file a pre-trial order on or before 11-3-77. (AEB-J) cps mld. ho	
10-13	41	Pltf. <u>DEMAND FOR TRIAL BY JURY</u> , fld. ho	
10-25	42.	Deft's appl. for 60 days to complete discovery and to present a pre-trial order, filed.k	

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DC-111A (Rev. 1/75)

## CIVIL DOCKET CONTINUATION SHEET

PLAINTIFF		DEFENDANT	DOCKET NO. _____
			PAGE ____ OF ____ PAGES
DATE 1977	NR.	PROCEEDINGS	
10-26	--	Order, as part of appl., filed, granting deft. until 12-26-77 to complete discovery and file a proposed pre-trial Order. (AEB-J)k cps mld to movant	
12-23	43.	Deft's appl. to complete discovery & present proposed pre-trial order 2-25-78, filed.k O to J as part of appl.	
12-29		Order, fld. as part of appl. granting Deft. an ext. of time until 2-25-78 to complete discovery & file its proposed PTO. (AEB-J) cps to movant. ho	
1978			
2-24	44.	Deft's appl. for ext. until 3-26-78 to complete discovery & present a proposed pre-trial order, filed.k O to J <i>as part of appl</i>	
2-27	MO	The Court has for consideration deft's appl. for ext. until 3-26-78 to complete discovery & file a pre-trial order & finds that same should be granted. IT IS SO ORDERED. (AEB-J)k cps of orig. order mld to movant	
3-27	45	Joint appl. for ext. until 4-5-78 to file pre-trial order, filed.k O	
3-28	46	Order, filed, granting parties until 4-5-78 to file pre-trial order. (AEB-J)k cps mld	
4-4	47	Stipulation for amendment to compl, fld. ho O to J. <i>amend w/o</i>	
4-4	48.	Order, filed, allowing pltf. to file an Amendment to compl. & permission is granted to deft. to not file a response thereto. (AEB-J)k cps mld	
4-4	49.	Pltf's amendment to complaint, filed.k cps mld	
4-12	50	Pltf's proposed pre-trial order, filed.k	
4-12	51	Deft's appl. for ext. until 4-26-78 to file a proposed pre-trial order, filed.k O to J	
4-17	52	Pltf. objection to appl. for ext. of time. fld. ho	
4-18	--	Order, as part of appl., filed, granting deft. until 4-21-78 to complete discovery and file a proposed pre-trial order. No further extensions to be granted. (AEB-J)k cps mld to movant	
4-25	53	Deft. proposed PTO, fld. ho	
5-8		Depo. of Norma June Redding taken on behalf of the Deft. on 3-8-78 in Sapulpa, OK before Cindy King Frias, N.P. fld. ho	
5-19	MO:	Case set for jury trial on 6-12-78 at 9:30 a.m. (AEB-J)ho not. cert. w/affid.	
6-8	54	Pltf. requested instructions, fld. ho	
6-8	55	Pltf. trial brief, fld. ho	
6-9	MO:	IT IS ORDERED that this cae is stricken from jury docket of 6-12-78, to be reset on the July 10, 1978, jury docket. (AEB-J)b nts mld & phone	
6-13	MO:	Case is set for jury trial on 7-10-78, at 9:30 A.M. (AEB-J)b nts cert. w/affid.	
6-14	--	Ret. of USM service of sub., fld. served Norma June Redding on 6-6-78 in Sapulpa, OK & John B. Jarboe unserved. (USM \$6.32)ho	
6-23	----	Sub. to testify, retd. & filed. Served Joe Glass in Tulsa on 6/22/78. <i>rm</i>	
7-7	56	Deft. mot. for S/J, fld. ho	
7-7	57	Deft. brief in supp. of mot. for S/J, fld. ho	
7-7	MO	It is ordered that the Pltf. is granted 10 days to file a responsive brief to Deft. mot. for S/J. (AEB-J)ho c/m	
7-7	MO	Case is stricken from the jury docket of 7-10-78. (AEB-J)ho parties notified by phone. ho	

## CIVIL DOCKET CONTINUATION SHEET

FPI-MAR

PLAINTIFF		DEFENDANT	DOCKET NO. _____
John B. Jarboe		State Farm Mutual Automobile Ins. Co.	PAGE ____ OF ____ PAGES
DATE	NR.	PROCEEDINGS	
1978			
7-17	58	Pltf. brief in response to Defts. mot. for S/J. fld. ho	
8-9	MO	Case referred to Mag. Robert Rizley pursuant to Order M-128. (AEB-J)k	
9-25	MO	Case set for hrg. before the Mag. on deft's mot. for S/J on 10-16-78 at 3:00 p.m. (RSR-Mag)k ntc by KT	
10-16	Min.	Case called for hearing on deft's motion for summary judgment. Parties present. Pltf. granted leave to supplement the record with partial transcript of trial proceedings in the state court action of Broyles v. Reading. Motion is taken under advisement. (RSR-Mag) b	
10-20	59	Stipulation, fld. ho	
10-20	60	Stipulation re: transcript, fld. ho	
11-14	MO	Mag. recommends that deft's mot. for S/J be sustained. Deft. counsel to prepare F&R and proposed Order w/in 10 days. (RSR-Mag)k cps by KT	
11-27	61	Findings & Recommendations of the Mag., filed. Mag. recommends that deft's mot. for S/J be sustained. (RSR-Mag)k cps mld	
12-5	62	Pltf. obj. to F/R of Mag. fld. ho	
12-5	63	Pltf. brief in supp. of obj. to F/R of Mag. fld. ho	
12-5	MO	It is ordered that the Deft. file a responsive brief on or before 12-18-78 to Pltf. Obj. to F/R of Mag. (AEB-J)ho c/m	
12-14	64	Deft's response to pltf's objections to F&R of the Mag. and brief in support thereof, filed.k	
12-19	65	Pltfs. reply brief to deft. State Farm response, fld. ho	
3-16-79	MO:	Case transferred to Judge Fred Daugherty (JCS-Clk)	
5-14	66	ORDER, It is ordered that Pltfs. obj. to the F/R of the Mag. be sustained, & that Defts. Mot. for S/J is overruled. (FD-J)ho c/m	
6-7	MO:	PT CONF. set Tues., 6/19/79 at 3:30 p.m. (FD-J)rm-notice	
6-19	Min:	PT HRG. Pltf. to limit contentions to negligence in PTO. Pltf. to prepare PTO 10 days. (FD-J)rm	
10-3	MO:	JURY TRIAL SET for Mon., 12/3/79 at 9:30 a.m. (FD-J)rm-nt.	
11-7	MO:	ORDERED that upon stip. of parties, jury trial heretofore set for 12/3/79 at 9:30 a.m. is stricken, to be reset by Ct. (FD-J)rm-ltr.	
11-9	MO:	CASE TRANSFERRED TO JUDGE THOMAS R. BRETT. (JCS-CLK)jc	
11/28	MO:	Case set for <u>JURY TRIAL</u> on <u>1/21/80</u> at <u>9:30 A.M.</u> PTO to be fld. Requested Instructions, Requested Voir Dire, and Trial Briefs are to be filed on or before <u>1/11/80</u> . (TRB-J)v -notices mld.	
12-19	67	APPLICATION of deft. to strike from jury trial assignment. g <i>otz</i>	

PLAINTIFF

**JUDGE BRETT**

DOCKET NO. \_\_\_\_\_

PAGE \_\_\_\_ OF \_\_\_\_ PAGES

DATE	NR.	PROCEEDINGS
12/21/79	68.	ORDER SETTING THIS CASE FOR PRE-TRIAL ON MARCH 7, 1980, at 4:10 PM. Disc. to be completed by Feb. 15, 1980, and the pretrial memo. and/or order to be filed by Feb. 25, 1980. CASE SET FOR JURY TRIAL ON MARCH 17, 1980, at 9:30 A.M. Trial Briefs and Requested Instructions and Requested Voir Dire are to be filed 5 days prior to trial (by 3/12/80). <i>Let's meet with Harlan to get PTO sample</i> (TRB-J)v c/m
Feb. 28	69.	PLTF.'S PROPOSED PRETRIAL ORDER. v
3/4	MO:	TIME CHANGE-PRETRIAL SET FOR 3/7/80 IS NOW SET AT 9:40 A.M. (TRB-J)v
3/4	70.	JOINT APPLICATION to pass case to another jury docket. g <i>6702</i> -parties phone
3-7	71.	ORDER that case passed from March 17, 1980 jury docket and reset April 21st at 9:30 a.m., and counsel is to file on or before April 16, trial briefs, req. jury instruction & voir dire. Case is set for pre-trial hrg. on April 3 at 9:40 A.M. Disc. is to be completed by March 24, 1980 Parties are to file pre-trial memos on March 28, 1980. (TRB-J)cs cps/mld.
Mar. 7	MO:	Case stricken from jury docket of 4/21/80 and RESET FOR JURY TRIAL ON MAY 19, 1980, at 9:30 A.M. Trial Briefs, Requested Instructions & Requested Voir Dire are to be filed on or before 5/14/80. (TRB-J)v c/m
4/3/80	Hrg.	PRE-TRIAL HELD. 9:52-10:20. Case stricken from Jury Trial setting of 5/19/80. Parties to file joint motions for partial summary judgment and briefs of support re legal question of whether case sounds in tort or sounds in contract on or before May 2, 1980. Responsive briefs are to be filed on or before May 19, 1980. Pltf. to prepare PTO w/in 10 days. (TRB-J)v
5-2	72	MOTION & Brief of def't's. for summary Judgment based upon statutes of limitations.cs
5/6	ltr.	LETTER from Judge Brett to Mr. Harlan requesting that the PTO is to be fld. & he is to inform the Court if he intends to file a mot. for partial S/J, to be done in writing. (TRB-J)v -mld.
5-19	73	RESPONSE of pl'tfs. to def'ts. motion for summary judgment upon statute of limitations.cs <i>show me briefs re Hrg. of 5/19/80 (Motion re 2. v</i>
5-21	74	JOINT STIPULATION.cs
10-15	75	ORDER, that def'ts. mot./for summary Judgment is sustained and judgment will be entered in favor of the def't. and agst. the pltf. it being the opinion of the Court pl'tfs. action if in fact pltf. has stated a claim is barred by the two-year statute of limitations. (TRB-J)cs cps/mld
10-15	76	JUDGMENT, in accordance with above order. (TRB-J)cs cps/mld. ENTERED